

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-6804

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ORRIE COKER,

Defendant - Appellant.

Appeal from the United States District Court for the District of South Carolina, at Beaufort. Sol Blatt, Jr., Senior District Judge. (CR-00-97)

Submitted: September 17, 2004 Decided: September 29, 2004

Before WILLIAMS, MOTZ, and TRAXLER, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Orrie Coker, Appellant Pro Se. Michael Rhett DeHart, Assistant United States Attorney, Charleston, South Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Orrie Coker seeks to appeal his convictions for carjacking and a related firearms offense. The district court entered judgment of conviction against Coker on February 20, 2002. Coker timely noted an appeal, and we affirmed the conviction and sentence. United States v. Coker, No. 02-4171 (4th Cir. Aug. 20, 2002) (unpublished). Coker filed a second notice of appeal from the February 20 judgment on May 3, 2004. We dismiss the appeal.

A defendant's notice of appeal in a criminal case must be filed within ten days of the entry of judgment. Fed. R. App. P. 4(b)(1). The appeal periods established by Rule 4 are mandatory and jurisdictional. Browder v. Director, Dep't of Corr., 434 U.S. 257, 264, 98 S.Ct. 556, 54 L.Ed. 2d 521 (1978); Panhorst v. United States, 241 F.3d 367, 369-70 (4th Cir. 2001). Because Coker's notice of appeal is clearly untimely, we lack jurisdiction and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED